



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Pau et al.

Serial No.: 09/449,854

Filed: November 26, 1999

For: PRODUCTION OF VACCINES

Examiner: Laurie A. Scheiner

Group Art Unit: 1648

Attorney Docket No.: 4240US

PATENT

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TECH CENTER 1600/2900

CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail (under 37 C.F.R. § 1.8(a)) on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

2/15/2002  
Date of Deposit

*Betty Vowles*  
Signature of registered practitioner or other person having reasonable basis to expect mailing to occur on date of deposit shown pursuant to 37 C.F.R. § 1.8(a)(1)(ii)

*Betty Vowles*  
Typed/printed name of person whose signature is contained above

RESPONSE TO NOTICE TO COMPLY

Commissioner for Patents  
Washington, D.C. 20231

Sir:

The Communication mailed January 15, 2002 has been received and reviewed. The Communication requested a sequence listing for the application and included a Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures. Applicants respectfully traverse the requirements of the Communication and Notice.

Applicants have reviewed the application, the associated figures and the subsequent filings, and have found no sequences listed therein. Clarification is thus respectfully requested. Specifically, applicants request an identification, by page and line number, of any sequences in the application.

The application should now be in condition for substantive examination. If any questions exist, the Office is kindly requested to contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Allen C. Turner', written in a cursive style.

Allen C. Turner

Registration No. 33,041

Attorney for Applicants

TRASKBRITT, PC

P. O. Box 2550

Salt Lake City, Utah 84110-2550

Telephone: (801) 532-1922

Date: February 15, 2002



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Application No.: 09/449,854

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: Newly added claim 37 is drawn to a method limited to a nucleotide sequence which is not represented by a sequence identifier; and, the specification is not in compliance with the sequence rules.

**Applicant Must Provide:**

- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE**

Please type a plus sign (+) inside this box → ☐

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Application Number	09/449,854
Filing Date	11/26/1999
First Named Inventor	Pau et al.
Group Art Unit	1648
Examiner Name	L. Scheiner
Attorney Docket Number	2183-4240US

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**ENCLOSURES (check all that apply)**

- ☒ Postcard receipt acknowledgment (attached to the front of this transmittal)
- ☐ Duplicate copy of this transmittal sheet in the event that additional filing fees are required under 37 C.F.R. § 1.16
- ☐ Preliminary Amendment
- ☐ Response to Restriction Requirement/Election of Species Requirement dated
- ☐ Amendment in response to office action dated
- ☐ Amendment under 37 C.F.R. § 1.116 in response to final office action dated
- ☐ Additional claims fee - Check No. in the amount of \$
- ☐ Letter to Chief Draftsman and copy of FIGS. with changes made in red
- ☐ Transmittal of Formal Drawings
- ☐ Formal Drawings ( sheets)

- ☐ Information Disclosure Statement, PTO/SB/08A (08-00); ☐ copy of cited references
- ☐ Supplemental Information Disclosure Statement; PTO/SB/08A (08-00); copy of cited references and Check No. in the amount of \$180.00
- ☐ Associate Power of Attorney
- ☐ Petition for Extension of Time and Check No. in the amount of \$
- ☐ Petition
- ☐ Fee Transmittal Form
- ☐ Certified Copy of Priority Document(s)
- ☐ Assignment Papers (for an Application)

- ☐ Terminal Disclaimer
- ☐ Terminal Disclaimer
- ☐ Terminal Disclaimer

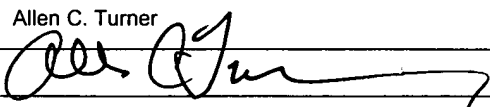
- ☒ Other Enclosure(s)  
(please identify below):

**Response to Notice to Comply;  
and Copy of Notice to Comply  
with Requirements for Patent  
Applications Containing  
Nucleotide Sequence and/or  
Amino Acid Sequence  
Disclosures**

Remarks

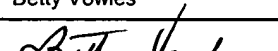
The Commissioner is authorized to charge any additional fees required but not submitted with any document or request requiring fee payment under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account 20-1469 during pendency of this application.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Allen C. Turner	Registration No. 33,041
Signature		
Date	February 15, 2002	

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date shown below.

Typed or printed name	Betty Vowles
Signature	
Date	February 15, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.